

Hans W. Herb, Esq. SBN 136018
LAW OFFICES OF HANS W. HERB
P. O. Box 970
Santa Rosa, CA 95402
707/576-0757
707/575-0364 Fax
hans@tankman.com

Attorney for Defendant and
Cross-Claimant, Rick Mayfield

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PINOLEVILLE POMO NATION, *et al.*,
Plaintiffs,
v.
UKIAH AUTO DISMANTLERS, *et al.*,
Defendants.

RICHARD MAYFIELD
Cross-Claimant,
v.
PINOLEVILLE POMO NATION;
PINOLEVILLE POMO NATION
ENVIRONMENTAL ASSOCIATION;
LEONA WILLIAMS; and, UKIAH AUTO
DISMANTLERS,
Cross-Defendants.

Case No.: C-07-2648 SI

**DECLARATION OF RICK MAYFIELD
IN OPPOSITION TO MOTION FOR
PRELIMINARY INJUNCTION**

Date: June 25, 2008
Time: 1:30 p.m.
Dept: C, 15th Floor

Hon, Susan Illston

I, RICK MAYFIELD, declare:

1. I am a defendant and cross-complainant in the above-referenced matter. I am competent to testify and if called upon to do so, could testify truthfully to the facts contained herein.

2. Attached hereto as Exhibit A is a true and complete copy of a "Revised Flood Hazard Report for #MS 81-83 Johnson," the property identified as the Mayfield

1 property in the present litigation. The report was prepared by Taggart Engineering on
2 July 18, 1984 for the then owner of the property, Don Johnson. It was provided to me
3 as part of the purchase of interest related to the property. The report notes the 1960's
4 levee construction, consisting of "pilings, cables and wire mesh installed along the levee
5 were constructed along the Pinoleville Indian Reservation property and was built to the
6 elevation of 631 feet more or less, being about one foot above the 1964 flood high
7 water."

8 3. In my inquiries concerning the property over the last several years, I noted
9 a number of abandoned automobiles along the levee with cables strung through them.
10 The cars appear to be of an older vintage, perhaps in the 1940s and 1950s. In inquiries
11 to the prior property owner and others, I was told that these automobiles had been
12 placed there by the Pinoleville Pomo Nation ("PPN") in order to protect the levees, as
13 part of the flood control project referred to in this report. Anecdotal information provided
14 to me also indicated that the seams in the car bodies were filled with lead in as part of
15 the manufacturing process.

16 4. The line of automobiles buried in the creek exists from a point several
17 hundred feet upgradient from the property identified as the Mayfield property to a point
18 several hundred feet down gradient. At different times of the year, different parts of the
19 auto bodies are showing, depending upon the level of flow in the creek and the amount
20 of debris moving through the area.

21 5. I have always done everything requested by my neighbors to try to be a
22 good and clean neighbor. Although I initially had nothing to do with owning this
23 property, or being a part of this neighborhood, I have tried to fit in and be a good
24 neighbor.

25 6. As an example, the document attached hereto as Exhibit B is a true,
26 correct and complete copy of a letter I received from the California Regional Water
27 Quality Control Board, North Coast Region ("RWQCB"). In the May 19, 2008, letter, the
28

1 Board notes that I have done more than what was required of me to comply with the
2 Board's orders.

3 7. For example, on our behalf, we have: built an oil-water separator;
4 redirected all water to flow around us, instead of through the yard; installed covered
5 secondary fuel and oil containment area with concrete floor; repaved the work area;
6 removed County of Mendocino Abatement Program cars from our property; built a
7 covered equipment parking area with a concrete floor; installed a poly-lined oil separator
8 at takes-all-work area water; and, covered all non-operating vehicles with tarps.

9 8. Further, on behalf of Ukiah Auto Dismantlers ("UAD"), my company
10 installed containment ponds; constructed a new building for processing vehicles;
11 removed approximately 450 yards of dirt around the wok area; and installed a paved
12 area around a work building to redirect water to a filter before emptying into a pond.

13 9. Finally, on behalf of the PPN, my company helped clean up trash around
14 members' housing and hauled the trash to the dump. We cleaned up the salvage yard
15 on Plaintiff Leona Williams' property, including approximately 20 cars, motors, oil, paint,
16 trash, batteries, fertilizer, acetone and antifreeze (the chemicals were in open drums
17 with no lids). I was never paid in full for this work. We also paved the Pinoleville
18 Headstart School area, for which I was not paid.

19 10. The Mayfield property has had no regular active industrial operations
20 since the early 1990s (approximately 1991). The only use we have made of the property
21 is the storage and minor maintenance of construction vehicles. The only other use of
22 the property has been the temporary storage of salvaged automobiles on our property
23 pending disposal.

24 11. In particular, at times the county has received grants for aggressive
25 automobile abatement programs. At these times, the number of vehicles brought to
26 UAD for recycling has expanded the capacity of UAD to process. On these occasions,
27 we previously allowed the federal, state and local officials to use portions of our property
28 to store vehicles being processed.

1 12. As soon as we were informed to stop the practice, we removed the stored
2 vehicles from our property as promptly as reasonably possible.

3 13. In addition, when the officials of the RWQCB or the county came to our
4 property to inspect, we always asked if there was anything more we should be doing to
5 comply. To my knowledge, we have done everything we were asked to do.

6 14. As an example, although it was not related to the Cleanup and Abatement
7 Order, the RWQCB noted a fuel facility on our property that could be upgraded with
8 additional containment. We made the suggested improvement immediately.

9 15. Since the start of this process up until today, I have never been told of
10 anything more that I should be doing to improve my compliance. The only thing I have
11 not done is sign the property over to Leona Williams (which I cannot do because I do
12 not currently own the property.)


13 16. In my discussions with the plaintiffs, I have said I would be happy to sell
14 my portion of the property for just what I owe to others on it (well below market cost).
15 The only response I received was that if I gave it to the PPN, I could keep my current
16 operations exactly as is for a person's lifetime. I explained that I owed more and had no
17 way to sell the property anyway, as I do not own it personally.

18 17. As soon as I refused to give my property to the plaintiffs, I was notified that
19 I was now named in this motion. Prior to this time, I was told I was not part of the
20 motion and that it only involved the UAD defendants.

21 18. Over the last several years, we have done several cleanup projects for the
22 PPN. Usually, we had to wait for payment until the PPN was able to receive funding.
23 As of today, there is approximately \$10,000-15,000 in outstanding invoices for work we
24 performed for the PPN but were never paid for by the PPN.

25 19. We also have been actively working to keep the entire rancheria property
26 clean, as it is in our best interest to do so. We own our property and want it to be
27 valuable. It is not valuable if the neighborhood is unkempt.
28

I declare under penalty of perjury that the foregoing is true and correct. Executed this 10th day of June, 2008, at Ukiah, California.


Rick Mayfield